* BEFORE THE

* COUNTY BOARD OF APPEALS

EAST OF CENTERLINE OF KENWOOD * BALTIMORE COUNTY * CASE NO. 91-92-A 1ST COUNCILMANIC DISTRICT

* * * * * * * *

This matter comes before the Board as an appeal from the decision of the Zoning Commissioner of Baltimore County dated November 5, 1990 which denied the property owner's Petition for a setback variance.

The Appellant, Robert Greenwalt, an attorney by profession, represented himself, and the Protestant, Samuel Guida, proceeded without Counsel but with the participation and support of the People's Counsel for Baltimore County.

To give some perspective to this case, Appellant personally installed an above ground-level swimming pool to the side of his rear yard, and in accord with the legal setback from his neighbor's fence. Appellant's wife, Mary Greenwalt, testified to the reasons for the pool placement which was rather restricted because of trees, the shape of the land and a bothersome water drainage problem.

When the deck to the pool was erected in 1988, a permit had not been obtained for the deck and Appellant testified that he was not aware of the required setback. Testimony indicates that Appellant did not respond to his neighbor's concerns about the deck

Robert B. Greenwalt, et ux, Case No. 91-92-A

encroachment on his property except to cut six inches off the width, and then to seek a zero foot setback after a protest had been filed with the Zoning Commissioner.

Samuel Guida testified that he had no objection to the swimming pool's location, but strongly objected to the deck servicing the pool, which was constructed by Appellant within a foot of the Guida property line. Mr. Guida further testified that the natural drainage problem is a neighborhood concern, but that the pool adds to his particular erosion problems. He considered the deck placement parallel and within inches of his fence as an encroachment to his property and strongly opposed anything less than the 2 1/2 foot setback required.

He also stated that the location of the deck and its appearance reduces the value of his property. He further stated that the deck could have been constructed on the opposite side of the pool where children's use would not be restricted nor his privacy disturbed. A buffer of bushes that could have provided some privacy was removed by Appellant when he installed his pool.

An area variance may be granted where strict application of the Baltimore County Zoning Regulations (BCZR) would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet those conditions outlined in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974). In consideration of the testimony and exhibits

Robert B. Greenwalt, et ux, Case No. 91-92-A

entered into the record of this case, it is not evident that the Appellant would experience practical difficulty or unreasonable hardship if the requested variance of a zero foot side yard setback was denied. It is apparent that he can readily relocate the deck to the opposite side of his pool, utilizing the area of his open back yard without encroaching on that of his neighbor.

Furthermore, as summarized by People's Counsel at the conclusion of this case, laws provide parameters for people to live within harmoniously. This Board feels that the legal setback is justified in this matter. There is nothing topographical that requires the present location of the deck, only what was the optimum position for the Appellant. The Appellant's deck location in the view of this Board was one that was desirable for him but not a necessity. Enforcement of the zoning regulations would not unreasonably prevent the use of the pool nor be unnecessarily burdensome, and therefore the variance is denied.

It is therefore this 24th day of September, 1991 by the County Board of Appeals of Baltimore County ORDERED that the requested Petition for Zoning Variance to permit a zero foot side yard setback in lieu of the minimum 2 1/2 foot for an accessory structure (deck) is hereby DENIED.

Robert B. Greenwalt, et ux, Case No. 91-92-A

IT IS FURTHER ORDERED that the subject deck shall be removed on or before March 1, 1992.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

> COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William T. Hackett, Chairman

Harry E. Buchheister, Jr.

County Board of Appeals of Baltimore County COUNTY OFFICE BUILDING, ROOM 315 111 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 (301) 887-3180

September 24, 1991

Mr. and Mrs. Robert B. Greenwalt 20 University Avenue Catonsville, Maryland 21228

Re: Case No. 91-92-A (Robert B. Greenwalt, et ux) Dear Mr. Greenwalt:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Legal Secretary

Enclosure

io: Mr. and Mrs. Samuel Guida People's Counsel for Baltimore County P. David Fields Pat Keller Lawrence E. Schmidt Timothy H. Kotroco James E. Dyer W. Carl Richards, Jr. Docket Clerk - Zoning Arnold Jablon, Director

Zoning Administration

RE: PETITION FOR VARIANCE : BEFORE THE COUNTY BOARD OF APPEALS SW/S of University Ave. 750' SE S/L of Kenwood Ave. (20 OF BALTIMORE COUNTY University Ave. (1st Election Dist.: 1st Councilmanic Dist. : ROBERT B. GREENWALT, et ux, : Zoning Case No. 91-92-A

ENTRY OF APPEARANCE

::::::

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

> hyllis Cali Fridman People's Counsel for Baltimore County

Pela Hax Zumenna Peter Max Zimmerman Deputy People's Counsel Room 304, County Office Building Towson, Maryland 21204 887-2188

I HEREBY CERTIFY that on this 16th day of January, 1991, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Fobert B. Greenwalt, 20 University Ave., Catonsville, MD 21228, Peritioners: and Mr. and Mrs. Samuel N. Guida, 18 University Ave., Catonsville, MD 21228, Protestants.

> Pety Max Zummen Peter Max Zimmerman

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE SW/S of University Avenue 750 ft. SE c/l of Kenwood Ave. * ZONING COMMISSIONER 20 University Avenue 1st Election District * OF BALTIMORE COUNTY 1st Councilmanic District

* Case No. 91-92-A Robert B. Greenwalt, et ux Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * * *

The Petitioners herein request a zoning variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a zero ft. side yard setback in lieu of the minimum 2-1/2 ft. for an accessory structure (pool/deck), as more particularly described on Petitioners' Exhibit

The Petitioners, Robert B. and Mary C. Greenwalt, appeared and testified. Appearing as a Protestant was Samuel and Sharon Guida.

Testimony indicated that the subject property, known as 20 University Avenue consists of .188 acres +/-, zoned D.R.5.5 and is currently improved with a single family dwelling and the accessory pool/deck, as indicated on Petitioners' Exhibit No. 1.

The Petitioner, Robert Greenwalt, testified that he placed the subject deck along the property to maintain his open backyard.

Mr. Samuel Guida testified that he is the Petitioner's next door neighbor immediately adjacent the subject pool. He indicated that he wants the 2-1/2 ft. setback requirements strictly enforced. Mr. Guida stated that the subject deck decreases the value of his property and that Petitioners could have easily placed the deck on the opposite side of the

pool away from his property. Mr. Guida submitted a boundary line survey (Protestant's Exhibit No. 1) which indicated that the subject deck is actually encroaching upon his property.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome:

> 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial

> 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

In reviewing the Petition, there is insufficient evidence to allow a finding that the Petitioners would experience practical difficulty or unreasonable hardship if the requested variance was denied. Clearly, the Petitioners have attempted to maximize the use of their back yard by thrusting a hardship upon their adjoining neighbor. The testimony presented by the Petitioners were in support of a matter of a preference rather than of the necessity for the variance. The Petitioners have failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variance requested must be

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

the Zoning Commissioner for Baltimore Variance from Section 400.1 of the B.C.Z.R. to permit a zero ft. side yard setback in lieu of the minimum 2-1/2 ft. for an accessory structure (pool/deck), in accordance with the Petitioners' Exhibit No.1, is hereby DENIED; and,

IT IS FURTHER ORDERED that the subject deck shall be removed on or before April 15, 1991.

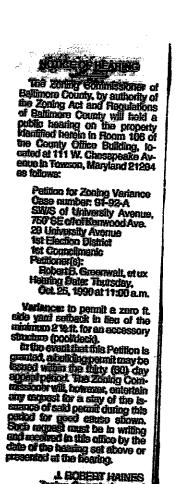
for Baltimore County

cc: Peoples Counsel

ORDER RECEIVED FOR FILING
Date
11/5/90
By

91-92-1 CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Toursen, Maryland

District / 3/	Date of Posting October 2, 1990
Posted for Variance	Date of Pasting 12 100 Value 22 12 10
Petitioner: Bobert 2. Jun	walt it ut
Location of property: 5W/5 of University	ty are me 750' 5'E of c/L of creating arenne
Kenwood Grence 20 U.	arenaty arence
Location of Signs: The front of 20 W	were site avenue
	9
Remarks:	
Posted by S. S. Grata	Date of return: Petoker 5, 1940
Signature Sumber of Signs:	



CERTIFICATE OF PUBLICATION

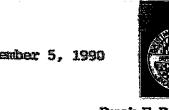
10-3,1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of _____ successive weeks, the first publication appearing on 9-37, 19 90

THE JEFFERSONIAN.

\$ 68.57

J. Robert Haines Zoning Commissioner



Mr. and Mrs. Robert B. Greenwalt 20 University Avenue Catonsville, Maryland 21228

> RE: Petition for Zoning Variance Case No. 91-92-A

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

cc: Peoples Counsel cc: Mr. and Mrs. Samuel Guida

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Md., once in each of / successive weeks, the first publication appearing on 9-27,19

5. Zete Olm

	Zoning Commisioner County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204		A		
		Account: R-801-6159 Humber	Nο	3151	
Date	8/09/90		H9100054		
•	PUBLIC HEARING FEES	OTY	PRICE		
•	010 -ZONING VARIANCE (IRL)	1 X	\$35.00		
	LAST NAME OF OWNER: GREENWALT	TOTAL:	\$35.00		• .

04A0480020HICHRC 9A CO03:33PM08-09-90
Please make checks payable to: Baltimore CountyNEXT BUSINESS DAY

PETITION FOR ZONING VARIANCE

The undersigned, legal owner(s) of the property situate in Baltimore County and which is suified in the description and plat attached hereto and made a part hereof, hereby politics for a

Variance drom Section 400.1 To permit a zero ft. side yard setback in lieu of the mindmun 2-1/2 ft. for an accessory structure (pool/deck).

A deck adjacent to the pool is necessary and useful for access, the deck is at a corner of the yard not used and strict compliance with the regulations would unreasonably prevent use of the portion of the property. Deck is wooden structure above ground.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this polition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

#54

Contract Purchaser: Legal Owner(s): Robert B. Greenwalt MAP SH 3-E (Type or Print Name) Robert Gramal Mary C. Greenwalt (Type or Print Name) Mary C. Greenwall City and State Attorney for Petitioner: 20 University Ave. 788-8761 (Type or Print Name) Gatonsvilla, MD 21228 Name, address and phone number of legal owner, con-

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day

\$93.57

Baltimore County Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissioner

OCT 1 9 1990

Mr. & Mrs. Robert B. Greenwelt 20 University Avenue Catonsville, Maryland 21228

Petition for Zoning Variance CASE NUMBER: 91-92-A Std/S of University Avenue, 750' SE c/l of Kenwood Avenue 20 University Avenue 1st Election District - 1st Councilmanic Petitioner(s): Robert B. Greenwalt, et ux HEARING: THURSDAY, OCTOBER 25, 1990 at 11:00 a.m.

Dear Petitioners:

Please be advised that $\frac{93.57}{}$ is due for advertising and posting of the above captioned property.

RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE.

DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY

UNITE THE DAY OF THE BEARING.

Please make your check payable to Galtimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesepeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

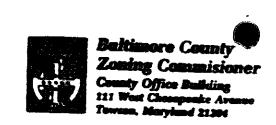
Very truly yours,

JRH:gs

91-92-A

ZONING DESCRIPTION

Beginning at a point on the south side of University Avenue which is forty feet wide at the distance of £40' south of the centerline of the nearest improved intersecting street, Kenwood Avenue, which is 40 feet wide. Being Lots numbered 24, 25 and 26, as shown on the Plat of Catonsville Knolls, as recorded in the Land Records of Baltimore County in Plat Book 7, folio 50, containing 7800 square feet. Also known as 20 University Avenue and located in the 12th Election District.





45 1 1 1 1 3 4

TOTAL: \$150 year LURE NAME OF BUILDING

Office of Planning & Zoning Towson, Marykand 21204 (301) 887-3353



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified hereis in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

NOTICE OF HEARING

Petition for Zoning Variance CASE NUMBER: 91-92-A Sb/S of University Avenue, 750' SE c/l of Kenwood Avenue 20 University Avenue 1st Election District - 1st Councilmanic Petitioner(s): Robert 8. Greenwalt, et ux HEARING: THURSDAY, OCTOBER 25, 1990 at 11:00 a.m.

Variance to permit a zero ft. side yard setback in lieu of the minimum 2½ ft. for an accessory structure (pool/deck).

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the bearing set above or presented at the hearing.

Samuel Guida

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

Cotober 17, 1990

Dennis F. Rasmussen

20 University Avenue Catonsville, MD 21228 RE: Item No. 54, Case No. 91-92-A

Petitioner: Robert B. Greenwalt, et ux Petition for Zoning Variance

Dear Mr. & Mrs. Greenwalt:

Mr. & Mrs. Robert B. Greenwalt

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zening Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Enclosures

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines



Your petition has been received and accepted for filing this 29th day of August, 1990.

ZONING COMMISSIONER

Petitioner: Robert B. Greenwalt, et ux



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315 111 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 (301) 887-3180

Room 301, County Office Bldg. May 3, 1991

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE

NOTICE OF ASSIGNMENT

IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 91-92-A ROBERT B. GREENWALT, ET UX SW/s of University Ave., 750' SE of c/l of Kenwood Avenue (20 University Avenue) 1st Election District 1st Councilmanic District

VAR-Side vard setback/

BALTIMORE COUNTY, MARYLAND

The Petitioner requests a Variance to permit a zero ft. setback

If there should be any further questions or if this office can

in lieu of the minimum 2-1/2 ft. for an accessory structure (pool

In reference to the Petitioner's request, staff offers no

provide additional information, please contact Jeffrey Long in the

INTER-OFFICE CORRESPONDENCE

J. Robert Haines

Office of Planning at 887-3211.

PK/JL/cmm

ITEM54/ZAC1

Zoning Commissioner

SUBJECT: Robert B. Greenwalt, Item No. 54

Pat Keller, Deputy Director

Office of Planning and Zoning

11/5/90 -Z.C.'s Orger DENYING Petition. ASSIGNED FOR: FRIDAY, AUGUST 23, 1991 AT 1:00 p.m.

Petitipners/Appellants cc: Robert & Mary Greenwalt Samuel and Sharon Guida

People's Counsel for Baltimore County 100 P. David Fields Pat Keller Public Services J. Robert Haines Ann M. Nastarowicz James E. Dyer W. Carl Richards, Jr. Docket Clerk / Zoning Arnold Jablon, Chief Deputy County Attorney

> LindaLee M. Kuszmaul Legal Secretary

> > DATE: August 23, 1990



County Board of Appeals of Baltimore County COUNTY OFFICE BUILDING, ROOM 315 111 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 (301) 887-3180

Hearing Room -Room 301, County Office Bldg. May 22, 1991

NOTICE OF POSTPONEMENT AND REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 91-92-A ROBERT B. GREENWALT, ET UX SW/s of University Ave., 750' SE of c/l of Kenwood Avenue (20 University Avenue)

1st Election District 1st Councilmanic District

VAR-Side yard setback

11/5/90 -Z.C.'s Order DENYING Petition.

which was scheduled for hearing on August 23, 1991 has been POSTPONED at the request of Protestants in this matter and has been

REASSIGNED FOR: WEDNESDAY, SEPTEMBER 11, 1991 AT 10:00 a.m.

cc: Robert & Mary Greenwalt Petitioners/Appellants

Samuel and Sharon Guida

People's Counsel for Baltimore County P. David Fields Pat Keller Public Services J. Robert Haines Ann M. Nastarowicz James E. Dyer W. Carl Richards, Jr.

Docket Clerk - Zoning Arnold Jablon, Chief Deputy County Attorney

> LindaLee M. Kuszmaul Legal Secretary

Baltitere County Fire Department 💯 East Joppa Road, Suite 901 Trascn. Maryland 21204-5500 30, 887,4500 Fall H. Remoke

AUGUST 28, 1990



J. Fobert Haines Tening Commissioner Office of Planning and Zoning Ealtimore County Office Building Towson, MD 21204

RE: Property Owner: ROBERT B. GREENWALT

Location: #20 UNIVERSITY AVENUE

Item No.: 54

Zoning Agenda: AUGUST 28, 1990

Gentlemen:

Fursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

JK/KEK

RALTIMORE COUNTY. MARYLAND INTER-OFFICE CORRESPONDENCE AUGUST 27, 1990

J. ROBERT HAINES, ZONING COMMISSONER, DEPARTMENT ZONING CHARLES E. BURNHAM. PLANS REVIEW CHIEF, DEPARTMENT OF FROM POW CHARLES E. BUILDENSES
PERMITS & LICENSES

CONING TIEM 4: 54 PROPERTY OWNER: Robert B. Greenwalt, et ux

location: SW/S of University Ave, 750' SE centerline of Kenwood Avenue (#20 University Avenue). FLECTION DISTRICT: 1st COUNCILMANIC DISTRICT: 1st

SIGNAGE

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: August 21, 1990

Zoning Advisory Committee Meeting for August 28, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for

ment of the house at this location does not appear to be

For Item 47 (revised) the sewer service to the base-

ROBERT W. BOWLING, P.E., Chief Developers Engineering Division

5/3/91 - Following parties notified of hearing set for August 23,

6 11 3' - Notice of FOSTPONEMENT and REASSIGNMENT sent to above parties - case now

set for September 11, 1991 at 10:00 a.m. - request of Protestants.

1991 at 1:00 p.m.:

Robert & Mary Greenwalt

Samuel and Sharon Guida

P. David Fields

Public Services

J. Robert Haines

James E. Dyer

Ann M. Nastarowicz

W. Carl Richards, Jr. Docket Clerk - Zoning

Pat Keller

People's Counsel for Baltimore County

Arnold Jablon, Chief Deputy County Attorney

FROM: Robert W. Bowling, P.E.

Items 21, 50, 53, 54 and 90-507-SPHXA.

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

PROPOSED SITE FLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REQULATION DESCRIPTION MARYLAND BUILDING CODE FOR THE HANTICAPPED

() RAMPS (degree slope) TARKING LOCATION CURB CUTS NUMBER FARMING SPACES

FLAN DOES DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF APTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

RESULTING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION II. OF ABTITLE I. CONSTRUCTION DRAWINGS MAY BE PE, TREE

E THANCE OF COTUPANTY FERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ASTIGLE ONE SECTION LINE ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

* STRUCTURE IS SUBJECT TO FLOOR FLATY LIMITATIONS, SECTION 516.0 CONTROL BILL BURN BURN BUILDING CODE). property of the second of the ➤ STHEE TO THE CONTRACTOR STATE AND ATTACHED MEMO. most company with subspace 525.0 of the BOCA Cide as amended PERMITS 44. FE AFFLIET FIR & ROTM 101. 111 WEST CHESAPEAKE AVENUE,

THIS PERVIEW COURSE ONLY WHOCH ITEMS ASSULATED WITH THE SITE PLAN, A FULL FEWLEN MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE

THEOR ITEM AFFLICABLE TO THIS PLAN

TOWSON MARKENED COLDS - FHOME - 887-9800

. ECTIDING ACCESS

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Environment of Extraction (I. Frontiery Foreign)

Doming Communicationer's Order dated by German 19, 1992 (demined) Butice of Appeal received December 3, last trom Eubert B. Greenwalt, retitioner

our Fobert & Mary Greenwalt, 20 Chiversity Ave., Cathonsville, MD 21228 Simuel and Sharon Guida - 18 University Ave. Catingville, MD 21228

Feeple's Counsel of Baltimore County Rm., 304, County Office Bldg., Towson, Md. 21224

Request Notification: P. David Fields, Director of Planning & Zoning Patrick Keller, Office of Flanning & Zoning J. Robert Haines, Zoning Commissioner Ann M. Nastarowicz, Deputy Ecning Commissioner James E. Dyer, Zoning Supervisor W. Carl Richards, Jr., Zoning Coordinator Docket Clerk Arnold Jablon, County Attorney

Public Services

INTER-OFFICE CORRESPONDENCE

James Dyer Zoning Supervisor

prom Zoning Buforcement Coordinator

SUBJECT Petitioner: Greenwalf (if known)

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

Samuel Guida 18 Univ. Ave 2128

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

111 West Chesapeake Avenue

Towson, MI) 21204

December 27, 1990

Baltimore County Board of Appeals County Office Building, Room 315 Towson, Maryland 21204

RE: Petition for Zoning Variance SW/S of University Avenue, 750 ft. SE c/1 of Kenwood Avenue (20 University Avenue) 1st Election District, 1st Councilmanic District ROBERT B. GREENMALT, ET UX - Petitioner Case No. 91-92-A

altimore County Government Zoning Commissioner Office of Planning and Zoning

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on December 3, 1990, 1990 by Robert B. Greenwait, Petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

J. ROBERT HAINES Zoning Commissioner

Exclusures

oc: Rocert & Mary Greenwalt, 20 University Ave., Catonsville, MD 21228 Samuel and Sharon Guida - 18 University Ave. Catonsville, MD 21228

People's Counsel of Baltimore County San. 304, County Office Bldg., Towson, Md. 21204

June 20, 1990

Mr. and Mrs. Robert Greenwalt 20 University Avenue Baltimore, Maryland 21228

RE: Case No. C-90-2896 20 University Avenue 1st Election District

Dear Mr. and Mrs. Greenwalt:

A complaint has been filed in this office regarding an accessory structure on your property. The nature of the complaint involves the setback of your accessory structure (the pool deck) from the property line. The Baltimore County Zoning Regulations specifies that a 2.5' setback is required. Please re-arrange your pool deck so that it meets the setback requirement. You have forty-five (45) days from the date of this

Alternatively you may wish to seek zoning approval for a zero setback from the property line. This would be via a public hearing. The papers for the public hearing are available in the County Office Building, 111 West Chesapeake Avenue, Room 113 from 8:30 a.m. to 4:30 p.m. You must have an appointment date to review your papers. You have forty-five (45) days from the date of this letter to obtain your date.

Under no circumstances will the zoning office approve a structure that encroaches on an adjoining property.

If you have any questions, please do not hesitate to contact me at

Aincerely, DEREK PROPALIS

November 30, 1990

Baltimore County Board of Appeals County Office Building Towson, MD 21204

> Re: Petition for Zoning Variance Case No. 91-92-A

Gentlemen:

The Petitioners would like to appeal the decision of the Ioning Commissioner in the above referenced case denying the Variance, dated November 5, 1990.

Please set this matter in for a hearing on the appeal.

Very truly yours,

Bobert BerGreenwalt

9/11/91 (open)

May 9, 1991

William T. Hackett. Chairman County Board of Appeals
Baltimore County
County Office Building
Room 315 111 W. Chesapeake Ave.

Towson, Maryland 21204

Re: CASE NO. 91-92-A

Dear Mr. Hackett.

We are writing in response to your letter dated May 3, 1991 relative to the Notice of Assignment for August 23, 1991.

We wish to advise you that we had prearranged, on January 28,1991, to be on vacation out of State: for the period August 19, through and including August 2t. 1991. A deposit was submitted as required.

We request that the Tase be reassigned for a date either prior to August 19. or after August 16. 1991. Your favorable consideration of our request will be most appreciated.

Mr. & Mrs. Samuel N. Guida

January 8, 1991 Baltimore County Board of Appeals County Office Building, Room 315 Towson, Maryland 21204 18 University Ave. Catonsville, MD 21228 RE: Petition for Zoning Variance Case No. 91-92-A Dear Board, My wife and I (Mr. & Mrs. Samuel N. Guida) received our copy of the December 27, 1990 letter to the Board advising that Mr. Robert B. Greenwalt, Petitioner, has appealed the November 5, decision rendered by Zoning Commissioner, J. Robert Haines.

We wish to voice our concern with regard to his appeal. We firmly believe that every individual is entitled to dueprocess and the right of appeal to a decision rendered that may appear faulty, based on the facts presented.

However, Mr. Greenwalt (who is a trained and practicing attorney) came prepared to the hearing, on October 25, with supporting documentation of his and his wife's oral presentation for the variance they sought. My wife and I made our presentation without the benefit of having been trained in the law. Based on both presentations and supporting documentation Zoning Commissioner Haines rendered a decision denying the variance based on case law and equity.

My wife and I believe that if Mr. Greenwalt has new and substantive documentation for consideration by the Board. such documentation should be offered to the Board prior to the granting of an appeal hearing. Otherwise we believe that Mr. Greenwalt is filing a frivolous appeal for the purpose of delaying the Zoning Commissioner's order to remove the deck on or before April 15,1991.

Indeed, a frivolous filing is not only costly to the County but also centrary to the sthical standards by Which attorneys are expected to practice.

Therefore, we request that the Board demand that Mr. Greenwalt immediately present the basis for his appeal. Further, that the Board make a prompt determination as to whether the request to appeal the original decision has merit.

cc: People's Counsel

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